

ZB# 71-20

Devitt's/ Agway

(no SBL given)

P.H. - Nov. 15th

8:00 p.m.

Hearing Notice to

Superior Nov. 15th

To Pet by Nov. 3rd

~~Superior~~

Deitt-
Agway

71-20

filed 12/15/71
9:00 a.m.

200

71

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application # 7-20

Date: 10/28 1971

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (WE) DEVITT'S GARDEN Center Inc. of 59 Windsor Hwy
New Windsor (Street & number)
New York (State) HEREBY MAKE
N.Y.

APPLICATION FOR A VARIANCE:

- A. LOCATION OF THE PROPERTY 59 Windsor Hwy
(Street & Number) (Use district on Map)
- B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, by number, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance.) 48-33 A
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's lands, structures or building and do not apply to the neighboring lands, structures or buildings in the same zone because: This is
a retail business which is located
approximately 300' from Rte 32
 2. Strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: being a retail business we must rely on
attracting people to come into our store We
are located too far off the road to rely on
people to see us from the road. so we must have
a large attractive sign near the road
 3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the sign proposed is a result of a
much larger growth in business and
subsequent potential of future growth.

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: this sign was prepared by a professional in his field and is very attractive to the public eye
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: most businesses located on Route 32 in New Windsor already have large signs for their retail business

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

The property is used as a retail farm + garden center

E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount of \$10.00 . Application to be returned to: Secretary of the Zoning Board of Appeals.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified.

Dated: 10/28/71

John L. Devitt - Pres.
Signature of Applicant

STATE OF NEW YORK)
COUNTY OF ORANGE) SS

Sworn to this 15th day of Nov 1971

59 Windsor Hwy
Address

Patricia Delin
(Notary Public) - Orange Co.

561-1938
Telephone No.

My Comm. Exps. 3/31/72

DO NOT WRITE IN THIS SPACE

Application No. 71-20
Date of Hearing Nov. 15, 1971
Date of Decision Nov. 15, 1971

Date Received 10/28/71
Notice Published Nov. 5, 1971

DECISION:

Board made a decision that a variance was not necessary - that Mr. Devitt had a pre-existing sign which could be expanded 20%.

TOWN OF NEW WINDSOR
555 Union Avenue
565-8808

DATE 12/18/71

APPLICATION is hereby made for the following:

Agenda _____ Service _____

1. Name DEVITTs AGWAY
Address 59 Windsor Hwy Newburgh, N.Y.
Telephone number 561-1938
Are you the owner of the property? yes

2. Briefly describe intention (or attach) and location of property:

New SIGN 8'x8'-64sqft - 40 permitted
LOCATION Rte 32

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
Nov. 15th ✓ _____ Variance (Notify P/B - plans if necessary)
8:30 p.m. _____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed
_____ Z.B.A. action needed
_____ Site plan needed
_____ Subdivision approval needed
_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges
applicable under the laws and ordinances of the State of New

DATE 11/18/11

APPLICATION is hereby made for the following:

Agenda _____ Service _____

1. Name DEVITT AGWAY
Address 59 Windsor Hwy Newburgh, N.Y.
Telephone number 561-1938

Are you the owner of the property? yes

2. Briefly describe intention (or attach) and location of property:

New SIGN 8x8 - 645 sq feet - 40 permitted
LOCATION Rte 32

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

Nov. 15th _____ Interpretation of Ordinance or Map
8:30 p.m. ✓ _____ Variance (Notify P/B - plans if necessary)
_____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed
_____ Z.B.A. action needed
_____ Site plan needed
_____ Subdivision approval needed
_____ Water, Sewer and Highway action needed

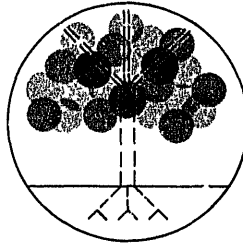
ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed: John L. Devitt
(APPLICANT)

Department of Planning

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

November 4, 1971

Mr. Fred Wygant, Jr., Chairman
Town of New Windsor Zoning Board of Appeals
Forge Hill Road
New Windsor, New York 12550

Re: Sign Variance - Devitt's
Garden Ctr. (Route 32)

Dear Mr. Wygant:

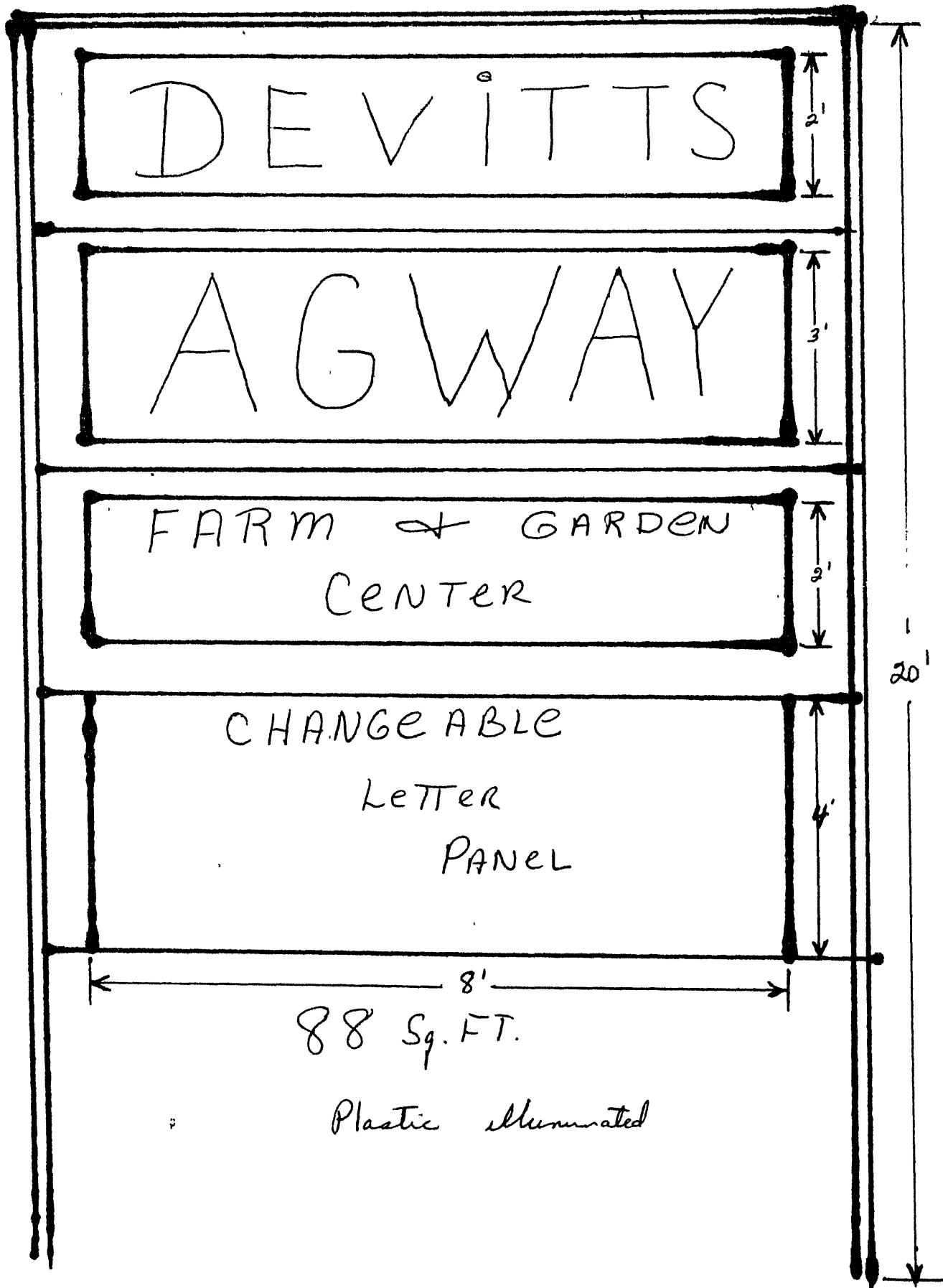
This office is in receipt of the above application. Pursuant to the provisions of Sections 239, L and M, of the General Municipal Law, we have made our review.

We grant County approval subject to the condition that the maximum area of the sign be 40 square feet for one face, or 80 square feet for 2 faces, of a double-faced sign.

Very truly yours,

Peter Garrison
Commissioner of Planning

PG:mj
Enclosure



To:

Town of New Windsor
Zoning Board of Appeals

OFFICE OF TOWN CLERK
TOWN OF NEW WINDSOR

~~XXXXXX~~ ~~XXXXXX~~ ~~Newburgh, N.Y.~~ ~~XXXXXX~~

Julia M. Tuckosh — Clerk
555 Union Ave., New Windsor, N. Y.

SUBJECT

DATE

Nov. 8 1971

12550
Reply Message

FOLD **V**

MESSAGE

Dear Sirs:

The New Windsor Town Board had received a notice of a Public Hearing to be held November 15, 1971 regarding the Zoning Variance Application of Clem Devitt and Devitts Garden Center Inc. and have decided to take no action and make no recommendations regarding this matter.

Sincerely,

Julia M. Tuckosh

JULIA M. TUCKOSH
Town Clerk

SIGNED

JMT:cm

REPLY

DATE OF REPLY

REPLY TO

SIGNED

RECIPIENT

PLEASE PUBLISH ON OR BEFORE November 5, 1971.

Send bill to: Devitt Garden Center, Inc.
Rt. 32 - No. 59 Windsor Highway
New Windsor, N. Y. 12550

Attn: John Devitt

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
Town of New Windsor, New York will hold
a public hearing pursuant to Section 48-33A of the Zoning
Ordinance on the following proposition:

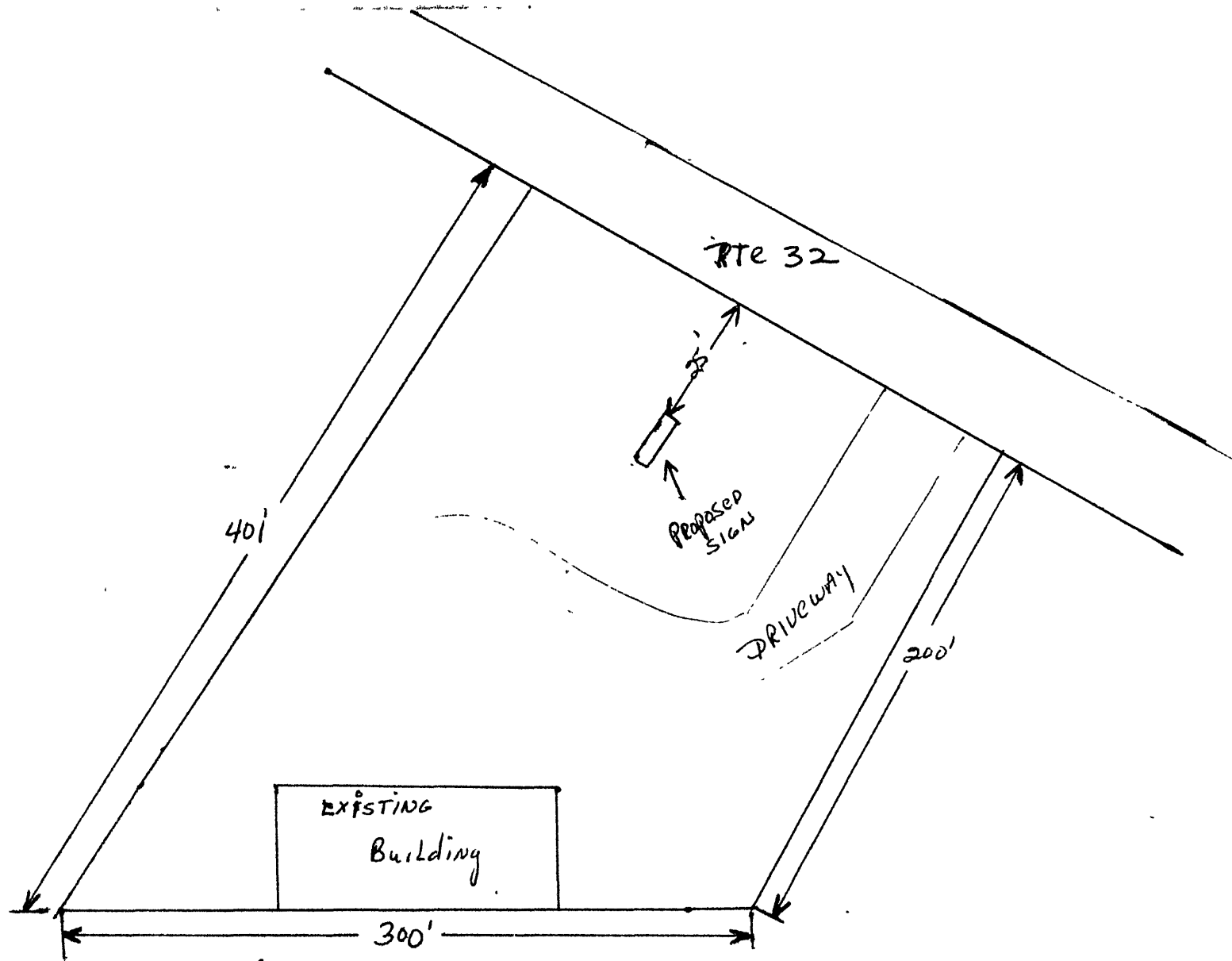
Appeal No. 20

Request of CLEM DEVITT and DEVITT'S GARDEN / CENTER, INC. for a
Variance ~~Conditional Use Permit~~ of the regulations of
the Zoning Ordinance, to permit the location of a
sign - ¹⁷⁶ sq. ft. in size (Describe proposal), being
a Variance ~~Conditional Use Permit~~ of Article V,
Section 48-38, B (3) for property owned by him situated
as follows: At No. 59 Windsor Highway, New Windsor,
New York.

SAID HEARING will take place on the 15th of November, 19 71
555 Union Avenue, New Windsor, N. Y.
at the New Windsor Town Hall/, beginning at 8:30 o'clock P.M.

FRED WYGANT,
Chairman

By, PATRICIA DELIO, Secretary



DEVITT'S ACWAY
59 Windsor Hwy
Newburgh, N.Y.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

October 19, 1971

Mr. Clem T. Devitt
RD #2
Monroe, New York 10950

Dear Sir:

According to my records, the attached list of property owners are within the five hundred (500) feet of the area you inquired about.

The charge for this service is \$15.00. Please remit same to me, making the check payable in my name.

Respectfully,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Assessor
Town of New Windsor

EEW:pt
Encl.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Mr. Clem T. Devitt

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Johanna E. Stenglein
Windsor Highway, Rt. 32
New Windsor, New York 12550

Joseph Monti
54 Windsor Highway
New Windsor, New York 12550

Harold J. Adams
Highland Avenue
Maybrook, New York

Schimmel & Company, Inc.
P.O. Box 310
Newburgh, New York 12550

The Prudential Insurance Co.
Prudential Center
Boston, Mass. 02199

Louis Argenio
57 Windsor Highway
New Windsor, New York 12550

Genero, Albert, Argenio
Helen Peluse
6 Columbus Lane
Newburgh, New York 12550

Harold R. Calvet
Roselawn Road
Highland Mills, New York 10930

Erie Lackawanna Railroad
c/o Lerch David
112 Prospect Avenue, S.E.
Cleveland 15, Ohio

Provan Leasing Corp.
210 Mill Street
Newburgh, New York 12550

Hudson Valley Asphalt Corp.
129 Main Street
Tarrytown, New York

Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

Claude L. & Elmerdorf Needes
RFD #7
Kingston, New York

Westchester Concrete, Inc.
188 Tarrytown Road
Elmsford, New York

Dellop Realty Co.
c/o Monarch Metal Co.
McArthur Avenue, MD #23
New Windsor, New York 12550

Fulton B. & Anna G. Torry
Windsor Highway, Rt. 32
New Windsor, New York 12550

Vladimir & Connie Salomatoff
Windsor Highway, Rt. 32
New Windsor, New York 12550

Respectfully submitted,
Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Assessor
Town of New Windsor

EEW:pt